



General Assembly

January Session, 2009

***Raised Bill No. 6586***

LCO No. 3692

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Referred to Committee on Planning and Development

Introduced by:  
(PD)

***AN ACT CONCERNING EXPEDITED ECONOMIC DEVELOPMENT  
PERMIT APPLICATION TEAMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this  
2 section:

3 (1) "Jobs" means permanent, full-time equivalent positions not  
4 including construction jobs;

5 (2) "Commissioner" means the Commissioner of Economic and  
6 Community Development;

7 (3) "Permit applications" means state permits and licenses, and at  
8 the option of a participating municipality, local development permits;

9 (4) "Regional planning organization" means a regional council of  
10 governments organized under the provisions of sections 4-124i to 4-  
11 124p, inclusive, of the general statutes, a regional council of elected  
12 officials organized under the provisions of sections 4-124c to 4-124h,  
13 inclusive, of the general statutes or a regional planning agency  
14 organized under the provisions of chapter 127 of the general statutes;

15 and

16 (5) "Team" means an expedited action review team established  
17 under this section.

18 (b) (1) The Commissioner of Economic and Community  
19 Development shall establish permit action teams for the purpose of  
20 expediting review of permit applications for projects that (A) would  
21 create at least one hundred jobs, (B) would create fifty jobs if such  
22 business is located in an enterprise zone designated pursuant to  
23 section 32-70 of the general statutes, or (C) are located in brownfields,  
24 as defined in section 32-9cc of the general statutes. Projects ineligible  
25 for review under this section are projects the primary purpose of  
26 which are to (i) effect the final disposal of solid waste, biomedical  
27 waste or hazardous waste in this state; (ii) produce electrical power,  
28 unless the production of electricity is incidental and not the primary  
29 function of the project; (iii) extract natural resources; (iv) produce oil;  
30 and (v) construct, maintain, or operate an oil, petroleum, natural gas or  
31 sewage pipeline.

32 (2) Notwithstanding the provisions of subdivision (1) of this  
33 subsection, a municipality, by resolution adopted by the legislative  
34 body, may request the commissioner to establish an expedited action  
35 review team for a project that would create a minimum of ten jobs. The  
36 commissioner may establish a team upon consideration of economic  
37 impact factors of the project that include, but are not limited to, the  
38 following: (A) The proposed wage and skill levels relative to those  
39 existing in the area in which the project may be located, (B) the  
40 project's potential to diversify and strengthen the area's economy, (C)  
41 the amount of capital investment, and (D) the number of jobs that will  
42 be made available for persons served by the employment services  
43 program established pursuant to section 17b-688c of the general  
44 statutes.

45 (c) The teams shall be established by a memorandum of  
46 understanding between (1) the Departments of Economic and

47 Community Development, Environmental Protection and  
48 Transportation, (2) appropriate regional planning organizations, and  
49 (3) voluntarily participating municipalities and other political  
50 subdivisions. The memorandum of understanding may include  
51 provisions for participation by federal agencies. The Commissioner of  
52 Economic and Community Development, in cooperation with  
53 municipalities and participating state agencies, shall develop a  
54 standard form for each memorandum of understanding. A  
55 municipality shall conduct a public workshop to review and explain to  
56 the public the expedited permitting process and the terms and  
57 conditions of the standard form memorandum of understanding.

58 (d) A municipality shall hold a public hearing prior to entering into  
59 a memorandum of understanding for a qualified project.  
60 Notwithstanding any other provision of law, and at the option of the  
61 municipality, the workshop provided for in subsection (c) of this  
62 section may be conducted on the same date and at the same place as  
63 the public hearing held under this subsection. The memorandum of  
64 understanding shall include a provision identifying necessary  
65 municipal procedures and time limits that will be modified to allow  
66 for the municipality to approve the project within ninety days. The  
67 memorandum of understanding shall state that the expedited  
68 permitting and review process does not modify, qualify or otherwise  
69 alter existing municipal nonprocedural standards for applications,  
70 unless expressly provided.

71 (e) Each memorandum of understanding shall include a process for  
72 final agency action on permit applications not more than ninety days  
73 after receipt of a completed application, unless the applicant agrees to  
74 a longer time period or the commissioner determines that unforeseen  
75 or uncontrollable circumstances preclude final agency action within  
76 such time frame. Permit applications subject to federally delegated or  
77 approved permitting programs that would prohibit or be inconsistent  
78 with the time frame established in this subsection are exempt from the  
79 provisions of this subsection but shall be processed by the agency

80 operating the federally delegated or approved permitting program as  
81 expeditiously as possible.

82 (f) The memorandum of understanding may provide for the waiver  
83 or modification of procedural rules prescribing forms, fees, procedures  
84 or time limits for the review or processing of permit applications under  
85 the jurisdiction of those agencies that are party to the memorandum of  
86 understanding. Notwithstanding any other provision of law, a  
87 memorandum of understanding shall, to the extent feasible, provide  
88 for proceedings and hearings otherwise held separately by the parties  
89 to the memorandum of understanding to be combined into one  
90 proceeding or held jointly and at one location. Such waivers or  
91 modifications shall not be available for permit applications governed  
92 by federally delegated or approved permitting programs, the  
93 requirements of which would prohibit, or be inconsistent with, such a  
94 waiver or modification.

95 (g) The memorandum of understanding shall include guidelines to  
96 be used in working with state and municipal permitting authorities.  
97 Guidelines may include, but are not limited to, the following: (1) A  
98 central contact point for filing permit applications and local  
99 comprehensive plan amendments and for obtaining information on  
100 permit and local comprehensive plan amendment requirements; (2)  
101 identification of the individual or individuals within each respective  
102 agency who shall be responsible for processing the expedited permit  
103 application or local comprehensive plan amendment for that agency;  
104 (3) a mandatory preapplication review process to reduce permitting  
105 conflicts by providing guidance to applicants regarding the permits  
106 needed from each agency and governmental entity, site planning and  
107 development, site suitability and limitations, facility design and steps  
108 the applicant can take to ensure expeditious permit application and  
109 local comprehensive plan amendment review. As a part of this  
110 process, the first interagency meeting to discuss a project shall be held  
111 not more than fourteen days after the commissioner's determination  
112 that the project is eligible for expedited review. Subsequent

113 interagency meetings may be scheduled to accommodate the needs of  
 114 participating local governments that are unable to meet public notice  
 115 requirements for executing a memorandum of understanding within  
 116 this time frame except that such meetings shall not be more than forty-  
 117 five days after the commissioner determines that the project is eligible  
 118 for expedited review; (4) the preparation of a single coordinated  
 119 project description form and checklist and an agreement by state and  
 120 regional agencies to reduce the necessity that an applicant provide  
 121 duplicate information to multiple agencies; and (5) additional  
 122 incentives for an applicant who proposes a project that provides a net  
 123 ecosystem benefit.

124 (h) The applicant, the permit action team and participating  
 125 municipalities may agree to incorporate into a single document the  
 126 permits, licenses and approvals that are obtained through the  
 127 expedited permit process.

128 (i) The expedited permitting process established pursuant to this  
 129 section shall not modify, qualify or otherwise alter existing agency  
 130 nonprocedural standards for permit applications, unless expressly  
 131 authorized by law. If it is determined that the applicant is not eligible  
 132 to use this process, the applicant may apply for permitting of the  
 133 project through the normal permitting processes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	New section
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***Statement of Purpose:***

To improve the partnership of state and local government in economic development and help ensure that economic development projects are improved as rapidly as possible.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*